

REMARKS

Entry of the foregoing and reconsideration of the application identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.114 and in light of the remarks which follow, are respectfully requested.

By the above amendments, claims 34 and 35 have been amended for grammatical purposes by adding a period at the end of each claim. New dependent claim 41 is directed to an additional aspect, and support therefor can be found in the originally filed application at least at page 20, lines 6 and 7. Entry of the foregoing amendments is proper at least because a Request for Continued Examination is being filed herewith. See 37 C.F.R. §1.114.

The Patent Office has maintained the rejection under 35 U.S.C. §112, second paragraph, in the Advisory Action at page 2. As previously discussed, the legal standard for definiteness is whether a claim reasonably apprises those of ordinary skill in the art of its scope. See *In re Warmerdam*, 33 F.3d 1354, 1361, 31 U.S.P.Q.2d 1754, 1759 (Fed. Cir. 1994). *Bose Corp. v. JBL, Inc.*, 274 F.3d 1354, 1359 (Fed.Cir. 2001). In determining whether this standard is met, the definiteness of the language employed in the claim should be analyzed, not in a vacuum, but in light of the teachings of the prior art and of the particular application disclosure as it would be interpreted by one possessing the ordinary level of skill in the pertinent art. *In re Johnson*, 558 F.2d 1008, 1015, 194 U.S.P.Q. 187, 193 (CCPA 1977).

In the present case, the Patent Office has alleged that the term "photochemically stable" would not have been understood by one of ordinary skill in the art. In this regard, Applicants respectfully submit that one of ordinary skill in the art would have recognized that the recited photochemically stable azodye refers to a substance that does not undergo photochemical reaction when exposed to light. As set forth in the attached excerpt from the

McGraw-Hill Dictionary of Scientific and Technical Terms, a "photochemical reaction" is a chemical reaction influenced or initiated by light. From such definition, it can be seen that a photochemical reaction involves a change in a chemical, i.e., a change within a molecule. It follows that the recited photochemically stable azodye is a substance that, when exposed to light, does not undergo such a change within a molecule.

The Patent Office has further alleged that it is unclear how the azodye is photochemically stable "when it does react with light in order to define the absorption axis" (Advisory Action at page 2). As discussed in the Response Pursuant to 37 C.F.R. §1.116 previously filed on May 1, 2006, the photochemically stable azodye is capable of exhibiting photo-induced optical anisotropy on exposure to polarized or non-polarized light, without undergoing any chemical or structural changes at a molecular level, i.e., within a molecule. For example, the light can cause spatial reorientation of the molecules and molecular units as a whole, without a chemical or structural change at a molecular level.

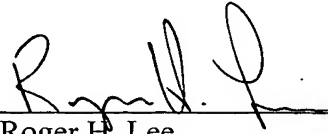
In light of the fact that one of ordinary skill in the art would have understood the meaning of the recited term "photochemically stable," it is apparent that the outstanding rejections under 35 U.S.C. §§ 112, 102(b) and 103(a) should be withdrawn for the reasons discussed in the previously filed Response Pursuant to 37 C.F.R. §1.116. Accordingly, further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited.

If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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